

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

252209-1020

First Inventor

Hong et al.

Title

Apparatus And Method For Rendering Graphics
Primitives Using A Multi-Pass Rendering Approach

Express Mail Label No.

EL993862212US

APPLICATION ELEMENTS

See MPEP Chapter 600 concerning utility patent application contents

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status. See CFR 1.27
3. ☒ Specification [Total Pages **23**]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed. Sponsored R&D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets **5**]
5. Oath or Declaration [Total Pages **4**]
- a. ☒ Newly Executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR §1.63(d))
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application,
see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☐ Computer Readable Copy (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & Documents(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Petition To File Application On Behalf
Of Inventor Who Refuses To Sign

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: /

Prior application information: Examiner

Group / Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: the entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS



Customer Number:

24504

OR



Correspondence address below:

| | | | |
|---------|---|-----------|--------------|
| NAME | Daniel R. McClure Thomas, Kayden, Horstemeyer & Risley, L.L.P. | | |
| ADDRESS | 100 Galleria Parkway Suite 1750 | | |
| CITY | Atlanta | STATE | Georgia |
| COUNTRY | U.S.A. | TELEPHONE | 770-933-9500 |
| | | ZIP CODE | 30339-5948 |
| | | FAX | 770-951-0933 |

| | | | |
|-------------------|--|-----------------------------------|---------|
| Name (Print/Type) | Daniel R. McClure | Registration No. (Attorney/Agent) | 38,962 |
| Signature |  | Date | 12-5-03 |

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revisions.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**1220.00**

Complete If Known

| | |
|----------------------|------------------|
| Application Number | Unassigned |
| Filing Date | December 5, 2003 |
| First Named Inventor | Hong et al. |
| Examiner Name | Unassigned |
| Group / Art Unit | Unassigned |
| Attorney Docket No. | 252209-1020 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number

20-0778

Deposit Account Name

Thomas, Kayden, Horstemeyer Risley, L.L.P.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|----------|
| 1001 | 770 | 2001 | 385 | Utility Filing Fee | 770 |
| 1002 | 340 | 2002 | 170 | Design Filing Fee | |
| 1003 | 530 | 2003 | 265 | Plant Filing Fee | |
| 1004 | 770 | 2004 | 385 | Reissue Filing Fee | |
| 1005 | 160 | 2005 | 80 | Provisional Filing Fee | |
| SUBTOTAL (1) | | | | | (\$770) |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | Extra Claims | Fee From Below | Fee Paid |
|--------------------|--------------|----------------|---------------|
| Total Claims | 26 | - 20** = 6 | X 18.00 = 108 |
| Independent Claims | 5 | - 3** = 2 | X 86.00 = 172 |
| Multiple Dependent | 0 | | 290.00 = 0 |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|---|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid |
| 1204 | 86 | 2204 | 43 | **Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | **Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | | | (\$280) |

**or number previously paid, if greater; For Reissues, see above

FEES CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge-late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge-late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive-unavoidable | |
| 1453 | 1,330 | 2453 | 655 | Petition to revive-unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | 130 |
| 1807 | 50 | 1807 | 50 | Processing fee for provisional application | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | 40 |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each add. invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited exam. of a design application | |

Other fee (specify)

SUBTOTAL (3) (\$)**170**

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Typed or Printed Name
Signature

Daniel R. McClure

Registration No. **38,962**

Telephone Number

770-933-9500

Date

Dec 5, 2003

WARNING: Information on this form may become public. Credit Card Information should not

Be included on this form. Provide credit card information and authorization on PTO-2038

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 USC 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: **Hong et al.**For: **Apparatus And Method For Rendering Graphics Primitives
Using A Multi-Pass Rendering Approach****CERTIFICATE OF EXPRESS MAIL**Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:


Enclosed for filing in the above case are the following documents:

- Return Postcard
- Utility Patent Application Transmittal Page
- Fee Transmittal Page
- Utility Patent Application Consisting Of:
 - 17 Pages of Specification
 - 5 Pages of Claims (Claims 1-26)
 - 1 Page of Abstract
 - 5 Pages of Formal Drawings (Fig(s). 1-4)
- Declaration
- Credit Card Authorization Form (Amount: \$1220.00)
- IDS/PTO Form 1449/Cited References
- Assignment/Recordation Form Cover Sheet
- Petition To File Application On Behalf Of Inventor Who Refuses To Sign

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.

Respectfully submitted,

Daniel R. McClure, Reg. No. 38,962

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**100 Galleria Parkway, N.W.
Suite 1750
Atlanta, Georgia 30339-5948Our Docket No: **252209-1020**

I hereby certify that all correspondence listed above are being deposited for delivery to the above addressee, with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR §1.10 on the date indicated below:

The envelope has been given U.S. Postal Service "Express Mail Post Office To Addressee" Package # **EL993862212US**.

Date: December 5, 2003
Hui Chin Barnhill

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

| | | |
|--|---|---------------------------------|
| In re application of: |) | |
| Hong et al. |) | |
| Serial Number: Unassigned |) | |
| Filed: Herewith |) | |
| Title: Apparatus and Method for Rendering |) | Attorney Docket No. 252209-1020 |
| Graphics Primitives Using a Multi-Pass |) | |
| Rendering Approach |) | |

PETITION TO FILE APPLICATION ON BEHALF OF INVENTOR
WHO REFUSES TO SIGN

Assistant Commissioner of Patents
U.S. Patent & Trademark Office
Washington, D.C. 20231

Sir:

As the attorney of record (by virtue of the accompanying Power of Attorney document) for the inventor and assignee (VIA Technologies, Inc.), I hereby petition to file the accompanying application on behalf of Michael Hong. Mr. Hong is a co-inventor of the present application. Mr. Hong conceived the subject matter of this invention while employed by S3 Graphics, Inc. (and affiliate of VIA Technologies). Mr. Hong, however, no longer works for S3 Graphics, Inc. and has refused to sign the declaration that was presented to him.

The undersigned attorney spoke with Mr. Hong by telephone on or about October 22, 2003. During that conversation, Mr. Hong told the undersigned that he now worked for a competitor company, but that he would be willing to review the application and sign the formal papers on his personal time. In follow-up to that conversation, the undersigned sent Mr. Hong the application and formal papers both by certified mail and by email. The undersigned has

follow-up at least two subsequent times by email. Unfortunately, to date, Mr. Hong has neither signed the documents, nor responded in any way to the emails.

It is assumed that the emails were successfully delivered, as the undersigned received no delivery error notifications. Further, the application was mailed to Mr. Hong by certified mail, and a copy of the return receipt is attached hereto (Exhibit A) to verify successful receipt by Mr. Hong. Similarly, copies of the emails that were sent to Mr. Hong are attached hereto at Exhibit B.

Therefore, the attached (along with the statements herein by the undersigned) clearly evidence that Mr. Hong has been presented with the application papers. Further, Mr. Hong's statement that he works for a competitor company, along with his complete failure to return the formal papers or respond to any email inquiry is sufficient to evidence his refusal to sign these papers. Therefore, the co-inventor (and assignee VIA Technologies, Inc.) are entitled to file this application on behalf of Mr. Hong.

Accordingly, the undersigned hereby petitions the Patent Office, pursuant to 37 C.F.R. § 1.47, to allow the co-inventor and Assignee (VIA Technologies, Inc.) it to file this application on Mr. Hong's behalf.

A credit card authorization is enclosed, authorizing the charge of the fee to cover this petition. Should any additional fee be required, you are hereby authorized to charge any such additional fee to Deposit Account No. 20-0778.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel R. McClure', written over a horizontal line.

Daniel R. McClure
Registration No. 38,962

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.

Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

McClure, Dan

From: McClure, Dan
Sent: Thursday, October 23, 2003 12:33 AM
To: 'jiuyanli@yahoo.com'
Subject: Patent Application for VIA-S3G



Patent



Drawings



Declaration -



Assignment -

cation_rev1 (000(00074031).PDFFOA - Multiple I..Utility App - Wit..

Dear Mr. Hong:

In follow-up to our telephone conference, I want to thank you for your willingness to review and execute these documents. The attached documents include the patent application and drawings. This application is directed to the multi-pass rendering system that you co-invented with Jim Xu. Jim Xu has reviewed the attached documents, and has signed off on this version of the patent application.

To execute these documents, please print 3 copies each of the declaration and assignment. The declaration is merely a formal document that is filed with the patent office that states that you are one of the original inventors of this application, and that you believe the invention to be novel. The assignment document merely formally assigns rights that you (by virtue of employment contract) are already obligated to assign to VIA. If you will, please sign three copies of each (in blue ink). Then return them to me. My secretary sent you today (via mail) a copy of these documents, along with a self-addressed, self-stamped return envelope. You can wait to receive that return packet if you wish.

Again, I appreciate your willingness to review and sign these papers, and please to not hesitate to contact me if you have any question at all.

Best regards,

Dan

Daniel R. McClure

Thomas, Kayden, Horstemeyer & Risley, LLP

100 Galleria Pkwy, NW

Suite 1750

Atlanta, GA 30339

Tel: (770) 933-9500 (ext. 259)

Fax: (770) 951-0933

McClure, Dan

From: McClure, Dan
Sent: Tuesday, November 18, 2003 3:13 PM
To: 'jiuyanli@yahoo.com'
Subject: FW: Patent Application for VIA-S3G

Dear Mr. Hong:

I was following up on my previous email. Have you had an opportunity to review the application, or do you have any questions about the documents that I'd like you to sign (the declaration and assignment document)?

Dan

-----Original Message-----

From: McClure, Dan
Sent: Thursday, October 23, 2003 12:33 AM
To: 'jiuyanli@yahoo.com'
Subject: Patent Application for VIA-S3G



Patent Drawings Declaration - Assignment -
cation_rev1 (000(00074031).PDFFOA - Multiple I..Utility App - Wit..

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Again, I appreciate your willingness to review and sign these papers, and please to not hesitate to contact me if you have any question at all.

Best regards,
Dan
Daniel R. McClure
Thomas, Kayden, Horstemeyer & Risley, LLP
100 Galleria Pkwy, NW
Suite 1750
Atlanta, GA 30339
Tel: (770) 933-9500 (ext. 259)
Fax: (770) 951-0933

McClure, Dan

From: McClure, Dan
Sent: Tuesday, December 02, 2003 8:11 PM
To: 'jiuyanli@yahoo.com'
Subject: FW: Patent Application for VIA-S3G

Dear Mr. Hong:

I am just following up once again to see if you plan on signing and returning the declaration and assignment documents that I sent to you. If you do not plan to sign them, please reply and let me know, so that I will know to proceed with the patent office filing without your signature.

Best regards,
Dan

-----Original Message-----

Fr m: McClure, Dan
Sent: Tuesday, November 18, 2003 3:13 PM
T : 'jiuyanli@yahoo.com'
Subject: FW: Patent Application for VIA-S3G

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Sent: Thursday, October 23, 2003 12:33 AM
T : 'jiuyanli@yahoo.com'
Subject: Patent Application for VIA-S3G



Patent



Drawings



Declaration -



Assignment -

cation_rev1 (000(00074031).PDF>OA - Multiple I..Jtility App - Wit..

Dear Mr. Hong:

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Again, I appreciate your willingness to review and sign these papers, and please to not hesitate to contact me if you have any question at all.

Best regards,
Dan
Daniel R. McClure
Thomas, Kayden, Horstemeyer & Risley, LLP
100 Galleria Pkwy, NW
Suite 1750
Atlanta, GA 30339
Tel: (770) 933-9500 (ext. 259)
Fax: (770) 951-0933